

- (i) The practices to be reviewed;
- (ii) The programs to be reviewed;
- (iii) The data to be submitted by the recipient within 30 days of the receipt of the Notification Letter; and
- (iv) The opportunity, at any time prior to receipt of the Final Determination described in §34.46, to make a documentary or other submission which explains, validates or otherwise addresses the practices under review.

(3) Except as provided in §34.41(e), within 210 days of issuing a Notification Letter initiating a review, the Director shall:

- (i) Issue a Letter of Findings, which shall advise the recipient, in writing, of:

- (A) The preliminary findings of the review;

- (B) Where appropriate, the proposed remedial or corrective action to be taken, and the time by which such action should be completed, as provided in §34.44;

- (C) Whether it will be necessary for the recipient to enter into a written assurance and/or Conciliation Agreement, as provided in §34.45; and

- (D) The opportunity to engage in voluntary compliance negotiations.

- (ii) Where no violation is found, the recipient shall be so informed in writing.

(4) The time limit for submitting data to the Director pursuant to paragraph (c)(2)(iii) of this section may be modified by the Director.

§ 34.41 Notice to Show Cause.

(a) The Director may issue a Notice to Show Cause to a recipient failing to comply with the requirements of this part, where such failure results in the inability of the Director to make a finding. Such a failure includes, but is not limited to, the failure or refusal to:

- (1) Submit requested data within 30 days of the receipt of the Notification Letter;

- (2) Submit documentation requested during a compliance review; or

- (3) Provide the Directorate access to a recipient's premises or records during a compliance review.

(b) The Notice to Show Cause shall contain:

- (1) A description of the violation and a citation to the pertinent non-

discrimination or equal opportunity provision(s) of JTPA and this part;

- (2) The corrective action necessary to achieve compliance or, as may be appropriate, the concepts and principles of acceptable corrective or remedial action and the results anticipated; and

- (3) A request for a written response to the findings, including commitments to corrective action or the presentation of opposing facts and evidence.

(c) Such Notice to Show Cause shall give the recipient 30 days to show cause why enforcement proceedings under the nondiscrimination and equal opportunity provisions of JTPA or this part should not be instituted. A recipient may make such a showing by, among other means:

- (1) Correcting the violation(s) that brought about the Notice to Show Cause and entering into a written assurance and/or entering into a Conciliation Agreement, as appropriate, pursuant to §34.45(d);

- (2) Demonstrating that the Directorate does not have jurisdiction; or

- (3) Demonstrating that the violation alleged by the Directorate did not occur.

- (d) If the recipient fails to show cause why enforcement proceedings should not be initiated, the Director shall follow the procedures outlined in §34.46.

- (e) The 210 day requirement provided for in §34.40(c)(3) shall be tolled during the pendency of a Notice to Show Cause.

§ 34.42 Adoption of discrimination complaint processing procedures.

(a) Each recipient shall adopt and publish procedures for processing complaints that allege a violation of the nondiscrimination and equal opportunity provisions of JTPA or this part. The procedures shall provide for the prompt and equitable resolution of such complaints. In the case of service providers, the procedures required by this paragraph shall be adopted and published on behalf of the service provider by the Governor, the SDA grant recipient or the Substate grantee, as provided in the State's Methods of Administration.